



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.06.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P. (MD) .No.207 of 2016

Manickam

.. Petitioner

vs.

K.Subashini

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the M.C.No.4 of 2015 pending on the file of the learned Chief Judicial Magistrate, Thoothukudi to be tried along with H.M.O.P.No.142 of 2015 pending on the file of the Sub-Court, Thoothukudi.

For Petitioner :Mr.B.Jameel Arasu

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw M.C.No.4 of 2015 from the file of the Chief Judicial Magistrate Court, Thoothukudi and transfer the same to the Sub Court, Thoothukudi to be tried along with H.M.O.P.No.142 of 2015.

2.Heard the learned counsel appearing for the petitioner.

3.Mr.B.Jameel Arasu, learned counsel appearing for the petitioner would submit that the respondent without any valid reason deserted her husband, which necessitated him to file a petition for divorce. He would further submit that the respondent along with her two children filed M.C.No.4 of 2015, before the Chief Judicial Magistrate Court, Thoothukudi, for maintenance and in the interest of justice, both the petitions can be tried together and disposed of by the same Judge.

4.It is seen that the petitioner has filed the H.M.O.P against the respondent seeking divorce on the ground of desertion and cruelty and



therefore, this Court is of the opinion that the maintenance case need not be tried along with the divorce petition.

5. In such view of the matter, this transfer civil miscellaneous petition is dismissed. No costs. However, the learned Chief Judicial Magistrate, Thoothukudi and the learned Subordinate Judge, Thoothukudi shall dispose of both the cases as expeditiously as possible.

Sd/
Assistant Registrar(Cs-I)

/True Copy/

Sub Assistant Registrar.

To
1. The Chief Judicial Magistrate,
Thoothukudi.

2. The Subordinate Judge,
Thoothukudi.

+1CC to M/S.B.Jameel Arasu, Advocate, SR.No. 28620

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